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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/872,476

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Veli-Pekka Ketonen

6173/4

9499

7590

09/09/2004

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EXAMINER

UBILES, MARIE C

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 09/09/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/872,476

Applicant(s)

KETONEN ET AL

Examiner

Marie C. Ubiles

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2001.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-15 is/are rejected.
- 7) ☒ Claim(s) 6-10 and 16-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-5 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hama (US 2002/0039888).

As for claim 1, Hama (US 2002/0039888) teaches a wireless communication device capable of suppressing power consumption of a transmitting circuit (See *Fig. 1, element 4*) when said device is in a disturbance wave received state (See *P. 0054*). The device, as taught by Hama in *Fig. 1*, comprises a power amplifier 13 in the transmitting end (i.e. a power amplifier amplifying wireless signals to be

transmitted)(See P. 0036), a power supply controller which is powered by an internal power supply 24 to control the power supply to the transmitting circuit (i.e. a voltage converter supplying power to the power amplifier)(See P. 0038), a disturbance wave detector 26 (i.e. monitoring unit detector) which detects a disturbance wave within the device transmission frequency band such as an electromagnetic wave generated by a microwave oven based on the RSSI signal from the receiving circuit (i.e. at least one monitoring unit detecting occurrence of a pattern within the wireless signals to be transmitted)(See P. 0038) when a radiation period of a disturbance wave is detected on the transmitter end, transmission means to notify of the occurrence and radiation period of the disturbance wave can be provided to cause a receive-only wireless communication device; the operation of the receiving circuit is stopped during a radiation period of time, thereby reducing the power consumption (i.e. wherein the pattern is likely to cause an undesirable drop in an output voltage from the voltage converter; and at least one control unit lowering an output power level of the power amplifier for a specified period in response to occurrence of the pattern within the wireless signal to be transmitted)(See P. 0059).

It can be seen that Hama lacks the limitation specifying "predetermined data pattern". However, Hama teaches that his system is used in order to avoid any effect of a disturbance electromagnetic wave to "data transmission/reception" (See P. 0058). It would have been obvious to one of ordinary skill in the art to see that the combination of the disturbance and a received/transmitted data packet constitutes the claimed "predetermined data packet"; therefore providing

Art Unit: 2642

detection means for the disturbance electromagnetic wave in the "data transmission/reception" may protect the circuit, as it is well-known in the art, that when the strength of interfering electromagnetic field increases the power level of an instrument's circuitry decreases, and the probability of unwanted responses increases significantly. The interference can cause erroneous data, unwanted results, false alarms, or even complete shutdown of the instrument.

Claim 11 is rejected for the same reasons as claim 1.

As for claims 2 and 12, the predetermined data pattern further comprising a data packet, may read for example on a received/transmitted data packet affected by the received microwave disturbance, as taught by Hama (See *P. 0041*).

As for claims 3 and 13, the system as taught by Hama in claims 2 and 12, wherein the at least one monitoring unit detects the data sequence, may read for example on the "disturbance wave detector 26" taught by Hama in Figure 1.

As for claims 4-5 and 14-15, Hama teaches a signal sequence (or RSSI signal) in combination with a voltage (due to electromagnetic wave generated by microwave oven) for a specified period of time ( $t_1$ - $t_2$ ). (See *P. 0047 and Fig. 6*), the signal is supplied to comparator 29 (See *Fig. 1*).

***Allowable Subject Matter***

Art Unit: 2642

3. Claims 6-9, 10, 16-19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles  
September 3, 2004.



**BING Q. BUI**  
**PRIMARY EXAMINER**